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Attorney for Applicant

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PATENTDocket No. 2983.2.1IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John Spinks )  
Serial No.: 09/764,543 )  
Filed: January 18, 2001 ) Art Unit  
For: NETWORK RESOURCE LOCATION DETECTION ) 2151  
PROBE APPARATUS AND METHOD )  
Examiner: Hassan A. Phillips )

STATEMENT OF  
SUBSTANCE OF INTERVIEW

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir:

Applicant expresses appreciation for the person interview granted by the examiner on October 14, 2004. During the interview, the merits claims 1 were discuss in view of Nakamura.

Applicant asserted that a rejection of anticipation based on Nakamura is improper because Nakamura fails to disclose all of the elements required by Applicant. For example, Applicant asserted that Nakamura did not have the function or structure of "a reporting module configured to query a network infrastructure device," as required by Applicant. Applicant discussed with the examiner the meaning of a "network infrastructure device," namely devices like switches, routers, hubs, etc., all well understood in the art as the devices that support operation of a network itself, not the end user work stations.

Applicant argued that in the claimed system, the query is directed to the network infrastructure to learn the network location "topologically" for any node. The node or system can then rely on any device hosting a "correlation module" with a map of the network layout to identify the physical "geography" or location where corresponding network connection points exist.

Applicant argued that the physical location of network wiring and connections typically will not change as frequently as those of the individual apparatus constituting each end node (e.g. computer, work station, etc.). Thus Applicant argued that the more permanent location information is available through the correlation module, and not as taught by Nakamura as a human-programmed-text input, on the end node, and, incidentally, interpretable only to a human reading it in the embodiment disclosed.

Likewise, Applicant argued that the ability to query may exist even in the end node itself, but regardless, the underlying network infrastructure is queried directly, exactly the opposite of the teachings of Nakamura's storage of text in an end node (typically the most mobile hardware connected to network infrastructure) and a query directed to the field containing geographical "location information" in that end node. That is very different from querying the network infrastructure for

network topology, Applicant argued, in that the location of processing, the location of geographical information, and the processes for querying and for establishing location of an end node, as claimed by Applicant, are not as taught by Nakamura, but are taught against by Nakamura.

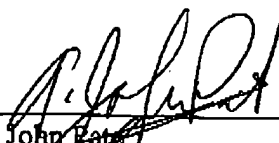
Furthermore, Applicant asserted that Nakamura fails to disclose the function or structure of "a correlation module configured to associate the end point connection information corresponding to the first network device to a location identifier corresponding to a physical location," as required by Applicant.

The examiner did not accept Applicant's assertions. Instead, the examiner maintained that the recited claim elements were found in Nakamura. The examiner opined that although the functionality was distributed differently, it existed in Nakamura. The examiner also maintained that the "electronic apparatus" or "nodes" of Nakamura were the same as the "network infrastructure" recited in the claims.

Applicant respectfully requested reconsideration, because the ability to query, the devices queried, and the information requested by a query in the recited claims are not as taught by Nakamura. Moreover, the examiner is denying Applicant the benefit of its definition of "network infrastructure" as used in the specification.

DATED this 20<sup>th</sup> day of October, 2004.

Respectfully submitted,

  
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A. John Pate  
Reg. No. 36,234  
Attorney for Applicant

Date: October 26, 2004

PATE PIERCE & BAIRD  
550 Parkside Tower  
215 South State Street  
Salt Lake City, Utah 84111  
Telephone: (801) 530-0330  
Facsimile: (801) 530-5955

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